Not to be destroyed

G.R.S. IX-5]

Previous references.

File No. 270-1920

1922.

(G7)

Serial Nos. 1-5

Later references.

G7 63-KW 1922
Loz 54-25-809
G.F 177. 29. 122.

GENERAL AND REVENUE SECRETARIAT.

G7 180-298 1-5
Gen-Sec 472-33.
G.F 286-40 (374).

Serial Nos. 1-5

Part B for August 1922.

SUBJECT

Extending provision IX of 1916 to the Provident Fund of the Mysore Bank.

Je 1022 d 21.8.22 to the Manager, Bank of Mysore &c
States that it is considered desirable to amend the law for permitting recovery from Provident Fund Balances.

Bzd
16.11.22

15/3075 15-965

GF 270-1920 dt 1-5

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Copy pasted

1) Acc to S. 6 of Rules
Regn. IX of 1916, the Govt may, by notfn. extend the provisions of the Regn. to any Provident Fund established by any company registered according to law for its employees

2) Rules & notifications have to be framed issued under Regulations made in the respective Administrative Branches concerned

3) If approved this paper will be transferred to Fin. Secty.

Submitted for favour of necy action.

Dy. Secy.

27/11

Asst Secy.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

15965
3075

G. R. S. III-2]

General and Revenue Secretariat. | File No. | of 191

Serial No.

5/ Dft. Subd for approval & DDS.

hvs
5/2

6/ This is not a cancellation of the Prov. Provident Fund. and I do not see how action can be taken in the H Court. It is the legal aspect of the question that requires to be considered and not the H.

7/ Therefore the requirements of Section 6 of Regn. IX of 1916 in Section 4 - Clause (1) of the Regulation in regard to the membership & attachment of the P.F. of the Bank employee. as the [illegible] of any of this Court - as regards the H.

2638/82

Legis
14/2

8/ Legis Section

14.2.21

Subd. S. 6 of Regn. IX of 1916 provides for the exclusion of the provisions of the Regn. to any provident

NOTE—Contn. sheet.

3075

~~1965~~

WD 1233—GPB—60,000—1-12-16—S.

(3)

G. R. S. III-2]

General and Revenue Secretariat. | File No. | of 191

Serial No.

Fund established for the benefit of the employees in any Company Registered under law, by a notification. Notifications under Regn. have to issue in the Administrative Branch concerned, which in this case is the Fin' Secrt.

Subd for orders.

FINANCIAL SECRETARIAT
1896-20
25 FEB 1921
BANGALORE

8c
15/2/21

9) Govt's Sanction to exclusion provision of the Regn has to be obtained in this Fund Rgn:

D. M.
23/2

Fin' Secrt.

10) Fisheries)

18
24.2.21

2773/25

Please put up a draft notification. If there is any Corresponding law in Bo. India the form of notification followed there may be adopted. The G A has to be Consulted as regards the Suitability of the Draft.

DMS
26.2.21

XY 13
1/1

Dft. Subd
MS
28/2

NOTE—Contn. sheet.

3075

C. R S. III-2]

General and Revenue Secretariat. | File No. of 19

Serial No.

11) There is one point to be cleared. Under the Rule 16 of the Bank Provident Fund Rules, the application for extension of the provisions to Provident Fund Rules is to be limited to Section 4 - Clause (1) only - The letter under disposal asks for the extension of the powers of the Regulation -

12) According to Rule 9 of 13 of the P.F. rules, the Bank has a paramount lien on the employees P. Fund, and the payment of the amount at the credit of the subscriber to the nominee or his heirs after his death shall be subject to any claim of the Bank -

Whether this provision is not inconsistent with the privilege conferred upon in Section 4 - Clause - (2) - in regard to the P.F subscription being free from any debt or liability incurred of the deceased to the extent as it is ascertained as against the Bank - has to be ascertained.

If so either the rule framed by the Bank have to be revised so as to bring it into conformity with the provisions of the Regulation before the provisions can be extended, or the extension confined to Section 4 - Clause (1)

NOTE—Contn. sheet

3075

(5)

Serial No.

ing - In the latter case whether any particular section of the Regulation can be extended to any P. Fund Rules also be asked - The Govt's advocate's opinion may enlighten us in the matter.

2884/13/Home)
2/3

1.3.24.

(Has not Govt a similar lien on P.F. balances for amts due to them by subscribers? ... Mg 10.3.24)

14) The amount at the credit of a subscriber in the Govt. Provident Fund is his absolute property and is to be handed over to him unconditionally (Rule 9.— 1. page 44 M.A.C. App. Vol I.) In the case of the death of the party, the amount at credit is likewise to be handed over to his widow or children or both, free from any debt or liability incurred by the deceased (vide pr Section 4— 2 of Provident Fund Regulation-

NOTE—Contn. sheet.

3075 6

G. R. S. III-2]

General and Revenue Secretariat. | File No. | of 19

Serial No.	
	page 48-49 of M.A.C. Appl.)
	hd. 11/3.
	for dfs 15/ The position of Govt. is different from that of a private body which has its rights and responsibilities in this matter strictly limited under the law.
	2962/15 16/ Jersey)
	Draft put up may issue. hmh 19.4.21
2	Fl 6 3°19 of 20.4.21, To the Manager With refee to his letter of the 28.1.21. invites refee to Rule 16 of the P.F. Rules in which reference is made only to Section 4 of the Regulation and enquires if the proposal is for the application of the whole Regulation & only Section 4 thereof
3	M. D 4220/F.16-335 of 26.4.21 From the Manager, Bank of Mysore In reply to Fl 2 states that Sanction of Govt may be obtained for the extension ~~of only the provisions of Section 4 of the Rule~~

NOTE—Contn. sheet.

4220 3/17

Serial No.

of the whole Regulations IX of 1917 subject to Rules framed for the working of their Fund.

17) Submitted for orders

18/3/24

FDR 30/3/24 18 The Govt. advocate may now be consulted as regard the suitability of the proposed policies.

19) 2) His opinion may also be invited as to whether Rule 9 of the P.F. rules of the Bank of is not inconsistent with the spirit of the Regulation.

Hoey) 18

30/4/1924

3402 3/6

20) Forwarded to the Govt. advocate with compliments for favour of his opinion

for Secretary Finance

14.5.24

H. W. Co. 129-1920

18/4/24

NOTE.—Contn. sheet.

4220

(8

G. R. S. III-2]

General and Revenue Secretariat. | File No. | of 19

00662

Serial No.

21

The extension of the provisions of Reg.n VII of 1917 will attract all the provisions of the Regulation to the Funds instituted by the Bank. The Bank is by law precluded from framing any rules inconsistent with the provisions of the Reg.n. As such rules 9 & 13 of the rules framed by the Bank seem to be inconsistent with the provisions of Sec 4 (2) of the Reg.n. Whether the rules are ultra vires or intra vires is however a matter with which Govt are not concerned, as those are matters affecting exclusively the Bank & its employees. Govt may in these circumstances refrain from expressing any opinion regarding the legality or otherwise of the rules framed by the Bank.

20.5.21

Secretary

V.q. No. 129. 21.5.1921

GEN & REV. SECT.

21 MAY 1921

22) Draft notification is in the file

3536 23/5

Flagged

23.

24/5/21

23) The Govt Advocate has not expressed his opinion on the suitability of the draft & we have to obtain it

sd. 20.6.21

20.6.1421-1920

20/6/1921

To Govt Advocate with compliments again

NOTE.—Contn. sheet

G. R. S. III-2]

General and Revenue Secretariat. | 47 File No. 270 of 1920.

5656

Rs No 137 | 6.10.21

28. 6. 21 GEN'L REV. SECTT.

Serial No.

95) Rules 9 & 13 are unsuitable in the view I have expressed in my former note, & the Banks' attention may be drawn to the divergence between them & Sec 4(2) of the Regn.

27.6.21

96) Draft.

97) Submitted with a draft to Manager Bank of Mysore

64 9/7 9/7 Yes

9/7

98) Done 18.7.21

18/8/21

4 Jt 280 dated 20.7.1921 to the Manager, Bank of Mysore Ltd. Invites attention to the divergence between the provisions contained in Section 4, clause (2) of the Regln & those in rules 9 & 13 as in the copy of the Rules & Regulation of the Provident Fund issued for the Bank officials.

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat.

G 7 File No. 270 of 1920.

Serial No.	
5	From the Manager. Bank of Mysore Ltd Letter Cy. 17/138 dated 2-8-1921 Offers his explanation in the matter of the divergence pointed out in Serial 4.
9A)	Remarks of H. under Secy. on the B. to D " The legal point is not solved. We have to abide by legal opinion." Put up previous paper at once." Dy S. S. 3-8-1921.
9C)	Submitted with previous papers. 3/8/18
9E)	9/8 Forwarded again to the Government Advocate for favour of his opinion as to whether there is any legal objection to the Bank's request — in the circumstances explained in the last Communication. With Compliments. Secretary to Govt. Dy Secy.

H.W.C.33-9-24

D.S. 15/8/24

NOTE—Contn. sheet.

Serial No.

No. 1328/G.21-22
20. A. G.21.

06779

REV. SECT.
Hall
30 AUG 1921

35) Section 6 of the Provident Funds Regulation says "Government, may, in its descretion, - by notification in the Official Gazette, extend the provisions of this Regulation to any Provident Fund .....". This would mean that either the whole of the Regulation is to be extended as it is, or not at all.

36) Where the Legislature contemplates portions only of an Act being extended or applied ~~or~~ with/or without any modifications or additions, it employs expressions conveying that idea. (Vide section 25, Copyright Act III of 1914, where - the words "with or without modifications or additions"; Section 1 of the Legal Practitioners Act XVIII of 1879 where the words "by notification extend all or any of the provisions of the rest of the Act"; section 41 of the Life Assurance Companies Act VI of 1912 where the words - "all or any of the provisions of this act", section 146 of the Indian Railways Act IX of 1890, - where the words "by notification extend this Act or any portion thereof" are used).

37) In section 1 of the Transfer of Property Act IV of 1882, the words originally were "..... may by notification.....extend.....this act.....". By the Transfer of Property - Amending Act VI of 1904, the words "or any part thereof" were added after "this act" at the - instance of the Government of Burma to enable it

NOTE—Contn. sheet.

Serial No.

2.

to extend from time to time any part of the act which may appear to it to be suitable to any part of the Province.

35) As already pointed out in the notes of my predecessor, the rules as framed by the Bank do not appear to be consistent with the provisions of the Regulation. Section 4 (2) of the Regulation "ensures that money payable to widow or child as such directly, shall not, even in their hands, be treated as assets of the deceased's estate. Nay more; the Legislature knowing that this might be rendered ineffective by getting the widow or child to incur or join in incurring the debt provides (for the more complete discouragement of the creditors) that such money although in the hands of the widow or the child, shall not be made to answer for their own debts, if incurred in the lifetime of the deceased". Vide: Hindley V. Joi Narayana Marwari, (1919) 46 Calcutta, 962.

36) Rules 9 and 13 of the Bank Rules seem to me to be opposed to the principle of section 4 (2) of the Regulation as explained above and I do not see how the practice which in fact appears the legal position.

20th Aug. 1921. Government Advocate.

...

of the Govt. of ... in which ... employee Rule 77.

18/22/8.

579/24/8 Yesey)

18/22/8

NOTE---Contn. sheet.

Serial No.

37) The opinion of the Government Advocate expressed in the last para of his note raises a very important point in regard to the claims of Government to appropriate any part of the Provident Fund balances of their servants for recovery of amounts due by the latter. We have been freely adjusting provident fund balances towards dues to Government by subscribers and such adjustment is held, by the Government Advocate, to be contrary to law. Two solutions are possible. (1) ~~One~~, the Government will have to forego their lien on provident fund balances in the same way as other creditors. Or (2) the law will have to be amended to make an exception in favour of the Government-creditor. I think the second alternative has to be adopted.

38) As the Provident Fund Law is general, the protection which Government interests receive should be afforded to ~~those of~~ other employers in respect of Provident Funds instituted by them for the benefit of their employees. The need for such protection is explained in the Mysore Bank's letter of 2nd August 1921. It is only fair that ~~the~~ an employer who desires to make a special provision for the benefit of his employees, in the form of a Provident Fund, sometimes even by crediting to the account of the ~~latter~~ employees a share of his profits, should not forego the right to reimburse himself out of such employees' money in his possession on account of any acts of commission or omission on his

NOTE—Contn. sheet.

DRAFT No. 1069

1168

G. R. S.—III-2]

General and Revenue Secretariat.

File No. of 191

DEWAN'S OFFICE.
Recd. on AUG 29 1921
Reg. No. 1345

Serial No.

their part, involving him in loss.

41) The same difficulty exists in the case of -- policy amounts of the insured of the official branch and a similar amendment of the Civil Procedure Code appears to be necessary.

Dewan)

Mrlk 25/8/21

40) Mr Krishnaswami Ayyar
Secy
29.8.21

DEWAN'S OFFICE.
Recd. on SEP 1 1921
Reg. No. 1457

41) may the case be sent to the Legislative Dept for taking action for amending the existing law as proposed above?

Dewan)

Mrlk 1.9.21

42) KS
Secy
9.9.21

To Legislative Dr)

Rec'd from the Jl Secty

JUDICIAL AND REVENUE SECRETARIAT
4 JAN 1922
JUDICIAL BRANCH.

2516

18/9

× × × ×

Dewan's order

"I am in favour of any such amendment"

Initd / A. R. B
17.6.22

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat.

File No. 4305/21 of 19

15

Serial No.

Subject The question of amendment of the Provident Funds Regn. has to be taken up here on a reference by the Govt. of India.

The file may therefore be sent to the Dirn. Secretariat for noting the Dewan's orders and return of our papers. Yes.

FINANCIAL SECRETARIAT
3 JUL 1922

See 21/6/22 Govt 2610

Finl Secretariat Compl[n] for note of Dewan's orders & return of papers pertaining to this Branch. } Case P.T.R.

Submitted for information

3/7/22

Yes Secy)

Please put up the file of the Legislature Branch relating to the Provident Funds Regn. No IX of 1917

29/7/22

To Legislative B.

Regn 24-15 re the passing of Regn IX of 1916 is herewith put up

Yes Secy) 24.7.22 Govt 24/7

24/7/22

I want to refer to the Indian Provident Funds Act 1897

26.7.22 24/7/22

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat. | File No. | of 19

Serial No.

Resubmitted with the Madras P.F. Act of 1897 (Flag D) as per orders of the Fin. Secy supra

Dr 27/7 (Fe Secy) 28/7

The papers of the Legislative Branch may be returned. The Bank of Mysore may be informed that it is not considered desirable to amend the law for permitting recovery from Provident Fund balances of amounts due to the employer constituting the fund and that the rule in the P.F. Rules of the Bank providing for such recovery is not consistent with the Provident Fund Regn

A copy of the letter to the Bank may be sent to Comptr for guidance in regard to the State P. Fund

A Phan attend Mtgs

B Donglh

in Continuation of previous Comm.

Legis papers returned & Full papers Enclosed.

NOTE—Contn. sheet.

To the Fin Secty

Draft on the lines of the Bank rules. The papers will be sent to the Fin Secy after issue

Dr 27/7

ALL COMMUNICATIONS TO BE ADDRESSED
TO THE MANAGER.
TELEGRAPHIC ADDRESS: "MYSOREBANK."
CODE: A. B. C. 5TH EDITION.

The Bank of Mysore, Ltd., 17

Bangalore, 26th, January 1921.

No. G. 16/85.

~~DIARY No. 3075-68~~

1920-1921

G7
270-20

The Chief Secretary to the Government
of Mysore - BANGALORE

Dear Sir,

We beg to hand you herewith a copy of the Rules and Regulations of the Provident Fund established for the benefit of the officials of the Bank, and request you to be so good as to obtain the sanction of Government to extend the provisions of Regulation 9 of 1916 to this Fund, under the power vested in them in accordance with section 6 of the said Regulation.

Yours faithfully,

Manager.

Enclosure 1

Please works up early
(1) Are the amounts exempted from attachment of civil courts?
(2) Do the rules require registration under the Regn?
27/1

D R A F T. 21

19th April 1921.

No X 6314/20
G7 270-20-2

The Manager,

Bank of Mysore, Ltd.,

B a n g a l o r e.

With reference to your letter No. G.16/85 dated the 25th January 1921, proposing that sanction of Government may be obtained for extending the provisions of Regulation IX of 1916 to the Provident Fund of the Bank, I am directed to invite reference to rule 16 of the Rules of the Fund, in which reference is made only to Section 4 of the Regulation. I am to enquire if the proposal is for the application of the whole Regulation or only of Section 4 thereof.

I have the honour to be,

S i r,

Your most obedient servant,

19.4.21

Financial Secretary to Govt.

Bank of Mysore, Limited.

Rules and Regulations of the Provident Fund, taking effect from the 1st day of January 1917.

Membership.

1. Every Employè in the service of the Company and receiving a salary of Rs. 15 per mensem and upwards shall be eligible for membership and he shall become a member.

2. A Member of the Fund is allowed to name a nominee with himself.

The balance standing at credit of a member in Provident Fund Account will be paid upon his retirement to himself and upon his death, to the nominee and in his absence to the legal heirs.

Payment out.

3. Except as is by these Rules expressly provided, no Member, nor any person or persons claiming under or through him, shall be entitled to claim any payment of money to him or them.

Subscriptions of Members.

4. Each member shall subscribe monthly a sum equal to 6¼ per cent. on the amount of the monthly salary paid to him by the Company, and shall pay to the Company the amount of his subscription immediately on the receipt by him of his salary for the month preceding, and the Company may from time to time deduct from any sum payable by the Company to any member for salary such sum as may be required to pay any subscription due by him to the Fund.

Note.—The contribution of 6¼ per cent. of the monthly salary shall be in respect of salary only and not on allowances, except in the case of an officer officiating as agent for another on leave, for a period of not less than six months.

Contribution by the Company.

5. The Company shall, on every 31st December and 30th June, contribute to the Fund a sum equal to 50 per cent. of the aggregate amount of the subscriptions of the Members during the preceding half year under Rule 4.

Appropriation of subscriptions and contributions.

6. The sums from time to time subscribed by each Member under Rule 4 shall forthwith on payment thereof be credited to his account in the books of the Company and all sums from time to time contributed by the Company under Rule 5 shall, as soon as may be after each 31st December and 30th June, be divided (by book entry) among the Members in proportion to the amount of their respective subscriptions, and the Company shall thereupon credit the account of each Member in the books of the Company with his share of such contribution.

Interest.

7. The Company shall also contribute to the Fund on every 31st December and 30th June interest upon the capital amount from time to time standing to the credit of each member, at the rate of 5 per cent. per annum and such interest shall, as soon as may be after each 31st December and 30th June, be credited to the account of each Member in the books of the Company.

9. The account of the Fund shall be kept in the General Books of the Company at their Head Office, where a sub-diary Ledger shall also be maintained showing the amount from time to time standing to the credit of each Member and a Pass Book shall be supplied to each Member which shall be made up and balanced each year.

The Company shall have a first and paramount lien upon the amount from time to time standing to the credit of each Member in respect of all losses, damages, costs, and expenses which the Company may at any time pay sustain, or be put to by reason of any act, embezzlement, misfeasance, neglect, or default of or by such Member and the amount from time to time standing to the credit of such member in respect of his subscriptions to the Fund and the interest thereon shall be deemed and treated as a deposit made by him with the Company as security for his fidelity, and may be disposed of accordingly, and in the event of any claim arising by the Company under this Rule the Member against whom such claim shall arise shall absolutely forfeit to the Company all right and interest to and in the moneys standing to his credit in respect of contributions made by the Company under Rule 5 and the interest thereon.

Payment on dismissal.

10. If any Member shall be dismissed from the service of the Company for misconduct or incompetence he shall (subject to any claim by the Company under Rule 9) be paid only the amount then standing to his credit in the books of the Company in respect of his own subscriptions to the Fund and without any interest thereon, and the interest thereon and all moneys standing to his credit in respect of contributions made by the Company under Rule 5 and the interest thereon shall revert to and become the property of the Company.

Payment on retirement without consent

11. On the retirement of any Member from the service of the Company without the consent of the Directors he shall (subject to any claim of the Company under Rule 9) be paid only the amount then standing to his credit in the books of the Company in respect of his own subscriptions to the Fund and the interest thereon, and all moneys standing to his credit in respect of contributions made by the Company under Rule 5 and the interest thereon shall revert to and become the property of the Company.

Payment on retirement with consent.

12. On the retirement of any Member from the service of the Company with the consent of the Directors he shall (subject to any claim by the Company under Rule 9) be paid:

(a) if he shall have been in the service of the Company for less than fifteen years the amount then standing to his credit in the books of the Company in respect of his subscriptions to the Fund and the interest thereon, and such portion of the moneys then standing to his credit of contributions made by the Company under Rule 5 and the interest thereon as the Directors may, in their absolute discretion, think fit, and the balance if any of such last mentioned moneys and the interest thereon shall revert to and become the property of the Company;

(*b*) if he shall have been in the service of the Compan for fifteen years and upwards the s[redacted]tanding t his credit in the books of the Compa[redacted]he 30th June or 31st December on which he [redacted]ll retire if his retirement take place on either of the said days (including his share of the contribution by the Company and interest to be credited on that day) and otherwise the sum standing to his credit on the 30th June or 31st December immediately preceding his retirement, together with the amount of his paid-up subscriptions for the then current half year.

Payment on death.

13. On the death, of any Member whilst in the service of the Company his nominee and in his absence the legal heirs, shall (subject to any claim by the Company under Rule 9) be paid the sum standing to his credit on the day of his death if that shall occur on any 30th June or 31st December (including his share of the contribution by the Company and interest to be credited on that day) and otherwise the sum standing to his credit on the 30th June or 31st December immediately preceding his death, together with the amount of his paid up subscriptions for the then current half year.

Assignment.

14. No assignment by any Member of any moneys standing to his credit, and whether by way of absolute assignmeut, or of mortgage, or otherwise, shall be valid, and the Company shall not recognize, or be bound by notice of any such assignment.

Power of Directors.

15. The Directors of the Company may, from time to time, make such other Rules and Regulations with reference to the accrual, enjoyment, suspension, and forfeiture, of the benefits of the said Fund, or any other point necessary for the due working of the rules and the administration of the fund and the application and disposal of the said Fund accordingly, and otherwise in relation to the working and management of the said Fund as the Directors shall from time to time think fit.

16. The Directors of the Bank shall apply to the Govt. of Mysore requesting them to extend to these rules the provisions of Sect : 4 Clause 1, Regulation No. IX of 1916 relating to the nonliability of the Fund to attachment at the instance of a creditor of the Employè.

BANK OF MYSORE, LIMITED. } W. C. ROSE.

Bangalore, 4th September, 1917. } *Manager.*

DECLARATION.

NK OF MYSORE, LIMITED.

Provident Fund.

I do hereby admit I have read and I understand the Rules and Regulations relating to the Bank of Mysore, Limited, Provident Fund, and I hereby agree to the same,—any other Rules and Regulations which may be hereafter made by the Directors of the Bank, with respect to the said Provident Fund, shall be binding upon me and my nominee and legal heirs.

Signature.....

Name in full.....

Date.....

Witnesses.....

Higginbothams Ltd., Bangalore.

ALL COMMUNICATIONS TO BE ADDRESSED
TO THE MANAGER.
TELEGRAPHIC ADDRESS: "MYSOREBANK."
CODE: A. B. C. 5TH EDITION.

Copied.

The Bank of Mysore, Ltd., 24

Bangalore, 26th, April 1921.

No. Gb 335

DIARY No. 4220

1920 - 21
Sec. Gen. 97
Fin. 270-20
3

M.N.Krishna Rao. Esq. B.A.,
Financial Secretary to the
Government of Mysore,
Bangalore.

Dear Sir,

With reference to your letter No.F.L.6319 of the 19/21 st instant, the extension of only the provisions of section 4 clause 1 of Regulation IX of 1917 was sought for as the enclosed rules of our Provident Fund was otherwise sufficiently protective, but as there appears to be no objection to the extension of the whole Regulation, subject to rules framed for the working of our Fund, Government sanction may be obtained accordingly.

Yours faithfully,

Manager.

A298

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

GENERAL AND REVENUE SECRETARIAT,

Dated, Bangalore 20 July *192*

No. F 280
47270-20-4 Draft

From

M. N. Krishna Rao, Esq., B.A.,

Financial *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

W. C. Rose, Esq.,

Manager, Bank of Mysore.

Sir,

With reference to correspondence ending with your letter No. G. 16-335 dated 26th April 1921 requesting sanction of Government for the extension of the whole regulation IX of 1916 subject to the rules framed for working the Provident Fund instituted by the Bank, I am directed to invite your attention to the ~~discrepancy~~ divergence between the provisions contained in Section 4-clause (2) of the Regulation and ~~then~~ those in rules 9 and 13 as in the copy of the Rules and Regulation of the Provident Fund sanctioned for the Bank Officials.

I have the honour to be,

Sir,

Your most obedient servant,

Sd. B. Sreenivasa Iyengar.

For Financial Secretary to Government.

Copy sent to Revenue & Judicial Branches

~~Copy to Revenue~~

T.S.

4853

ALL COMMUNICATIONS TO BE ADDRESSED TO THE MANAGER.
TELEGRAPHIC ADDRESS: "MYSOREBANK."
CODE: A. B. C. 5TH EDITION.

No. G/17/138

3 AUG 1921

Copied.

The Bank of Mysore, Ltd.,

Bangalore, 2nd August 1921

468

1920 21

GF

270-20

GEN & REV. SE
3 AUG 1921

The Financial Secretary
to the Government of H.H.The Maharaja of Mysore,
B a n g a l o r e .

Dear Sir,

I am in receipt of your letter of the 20th July last No. Fl 280/G.F.270-12-4 in the matter of the extension of the whole regulation IX of 1916, subject to the rules framed, for working the Provident Fund instituted by the Bank.

While admitting the divergence between the provisions contained in Sec.4 Clause 2 of the Regulation and those in rules 9 and 13 of the Rules & Regulations of the Banks Provident Fund, I would submit that the Bank's rules are in no way inconsistent with the Regulations. The provisions of Secs. 9 and 13 of the Bank rules were introduced by way of protection to the Bank against loss arising from deliberate fraud, neglect and misappropriation on the part of any member of the staff, who is a subscriber to the Fund, and is not to be interpreted to restrict the exemption from attachment of the subscription by a decree or order of a Civil Court. I believe it is the invariable practice of the Government of Mysore to withhold the provident fund contribution due to its servants in all cases where the latter owe any money to Government on account of advances or losses incurred by Govt. owing to the neglect or fraud of the Government servant concerned , which is the identical proceedure prescribed by Sec.9.

of the Banks Provident Fund Rules. It is therefore submitted that the Banks rules are in no manner inconsistent with the Regulation and that the provisions therein referred to prescribe a course of action believed to be in practice in the case of subscribers to the Government Provident Fund.

I trust after this explanation the Government will be pleased to grant the request of the Bank as contained in their letter No.16/335 dated the 26th April 1921.

Yours faithfully,

Manager.

25th August, 1924

No.H 1253

The Manager of the Bank of Mysore, Ltd.,
Avenue Road,
Bangalore City.

B3

In reply to your letter No.G.17/138 dated 2nd August 1924, regarding the application of the Provident Fund Regulation to the Fund of your Bank, I am directed to state that the provision in the rules of your Fund for having a lien on the amounts to the credit of subscribers, is not consistent with the law as it now stands and the question of amendment of the Regulation is under consideration.

I have the honour to be,

S i r,

Your most obedient servant,

LR

Financial Secretary to Govt.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

, the *191*

Date of issue 21. 8. 22

Signed by Mr Mill

S

Section

File No.

Serial No.

No. H 1022

To

The Manager

Bank of Mysore Ltd

Sir,

In Continuation of this
Office letter No. H 1253 of 25.8.
1921 regarding the application
of the Provident Fund Regulations
to the Staff of your Bank
I am directed to state that
it is not considered desirable
to amend the Law for permitting
recovery from Provident Fund
balances of amounts due

over.

to the employer Constituting the Fund
and that the Rule in the P.F.
rules of the Bank providing for
such recovery is not Consistent
with the provisions of Regulation,
as already stated in my letter referred to
above

Thanks

[illegible]
for Secy

Copy to the Comptroller for note &
Insurance in regard to the State Provident
Fund

B.O.

[illegible]
for Secy

Copy to the Asst Branch for info.

List of enclosures.

Copied by

Examined by